

## **Decision Record**

### **Courtney Creek Forest Health and Riparian Restoration Project Environmental Assessment OR-035-00-5**

#### **Baker Resource Area Vale District Bureau of Land Management Baker City, Oregon**

This Decision Record documents my decision to select Alternative 1 for implementation of the Courtney Creek Forest Health and Riparian Restoration Project. This was analyzed as the proposed action in the attached Environmental Assessment (EA) OR-035-00-5. I have included mitigation measures informally concurred upon by the National Marine Fisheries Service (NMFS) and the United States Fish & Wildlife Service (FWS) during the course of consultation mandated under Section 7 of the Endangered Species Act (ESA). The EA is tiered to and the project is within the bounds of the Baker Resource Management Plan (RMP) Record of Decision (ROD)(1989).

#### **Public Comments Review**

Subsequent to the preparation of the EA and the publishing of a Legal Notice setting forth the EA's availability for public comment, only three such comments were received, two of which were entirely identical. The two identical comments were written in support of the proposed actions for the improvement of forest health, the restoration of riparian habitat, and the treatment of high fuel loads in the project area. The comments cited both the ecological and economic benefits of the project. On the other hand, these comments suggested that landscape level planning would be the most efficient way to manage lands in Wallowa County. Unfortunately, the patchwork pattern of Bureau of Land Management (BLM) land ownership in the county precludes effective landscape-level planning.

The comments also noted that Spalding's catchfly (*Silene spaldingii*), which was mentioned in the EA as being proposed for federal listing as threatened under the Endangered Species Act (ESA), has indeed been listed as such. This Decision Record acknowledges that, in the interim between the preparation of the EA and of this Decision Record, the status of Spalding's catchfly changed from proposed for listing to listed as threatened.

Further, the comments noted that Wallowa County was identified by the Interior Columbia Basin Ecosystem Management Project (ICBEMP) as having high aquatic habitat. This particular comment, in response to the EA's contention that, under the Blue Mountain Demonstration Project, the Blue Mountains were identified as having poor aquatic and forest health, is inconsequential. The aquatic habitat as well as the forest health in the proposed project area is manifestly poor.

The two identical comments also encouraged the agency to focus solely on forest health objectives and not on circumscribing treatments so as to honor definitions of old forests. In particular, the comments suggested that trees over 21" diameter at breast height (DBH) should be cut when necessary to accomplish forest health goals. It should be noted that several trees meeting this threshold will be cut and placed into Courtney and Little Courtney Creeks to promote the establishment of pool habitat. Moreover, retaining the large trees will not compromise the forest health objectives of the proposed project inasmuch as all such retained large trees that are infected with dwarf mistletoe will be isolated from the rest of the stands in which they are found by at least fifty feet.

Last, the two comments suggested that the BLM explore the possibility of using a Slash Bundler by Timberjack for the removal of biomass from landings. This option indeed will be explored, although it is anticipated that high cost may preclude the use of that machinery.

The third comment set forth additional concerns about the proposed project, including trepidation regarding logging on highly erosive soils above streams containing fish species listed under the ESA, particularly if ground-based logging systems are used. In response, it should be noted that no management activities will be conducted on potentially unstable areas, and that mitigation measures, including felling by hand, helicopter whole-tree yarding, seasonal restrictions on management activities, the surface blading of roads as necessary, and the siting of landings and roads on flat terrain will ensure that erosion is minimized.

The third comment also suggested that livestock grazing activities in the area also contribute to poor forest health, and that the curtailing of these activities is a prerequisite for the maintenance of healthy forest conditions. Indeed, it is clear that poorly managed livestock operations pose a risk to forest health. However, BLM policy is to require that its grazing permittees operate in a sound ecological manner. This policy will be bolstered as the newly promulgated Standards & Guides, which mandate even stricter controls on grazing, are implemented over the coming seasons. More importantly, very little grazing is conducted in the project area because of steep slopes and heavy brush.

## **Decision**

My decision to select the proposed alternative (Alternative 1) is based upon the interdisciplinary analysis contained in EA OR-035-00-5, a copy of which is attached hereto, as well as the supporting record, extensive field review, public comments received and the informal concurrence of NMFS and FWS. Pursuant to 43 CFR 5003.2(c), it must be noted that this decision is necessitated by exceedingly poor forest and riparian health in the project area. Overstocking of trees has led to insect and dwarf mistletoe infestations, which are causing tremendous mortality. This, in turn, has led to dramatically increased fuel loads. Given these fuel loads, and due to the ruggedness of the terrain in the project area, it is expected that any fire start likely will reach catastrophic proportions.

All mitigation measures, design features and monitoring processes described in the EA are incorporated into project implementation plans. Among these are:

- e Thinning treatment restrictions, including the felling of timber by hand rather than by machine, felling mostly on northerly slopes, retention of the largest, healthiest trees helicopter yarding, the limiting of timber hauling to the dry season or winter, the removal of most slash from the harvest areas, seasonal restrictions on the burning of landing piles, as well as adherence to state smoke management regulations, and the limitation of treatments in steeply sloped areas;
- e Wildlife habitat enhancement activities, such as the retention, to the greatest possible extent, of live trees, down logs and all existing snags within the treatment area, the placement of large woody debris (LWD) in stream channels so as to create pool habitat, and the minimization of disturbance areas for landings and roads;
- e Riparian value protection measures, including the limitation of treatments in Riparian Conservation Areas (RCAs), the use of streamside buffers, the injunction against felling trees that contribute to streambank stability, and the post-treatment seeding of bare streamside soil with stabilizing native vegetation;
- e Area disturbance restrictions, such as the blading of erosion-prone roads as necessary, limitations on the number and size of landings, the limitation on new road construction in conjunction with the utilization and maintenance of existing roads, the siting of landings and the minimal new road construction on flat terrain away from streams, draws and springs, and the post-treatment ripping and seeding of roads and landings;
- e Protection of cultural resources by inventory and strict avoidance; and
- e Comprehensive treatment and post-treatment monitoring aimed at assessing success and preventing unintended and unforeseen impacts.

Two action alternatives and a no action alternative were considered. Alternative 2, an action alternative, proposed engaging in thinning treatments designed to improve forest health while maintaining big game cover. This alternative prohibited thinning within RCAs, although it provided for seeding of native grasses therein. Alternative 2 was not chosen because despite the fact that it addressed many of the same forest health issues as Alternative 1, it did not ensure the enhancement of riparian values. Limited thinning within the RCAs and the placement of LWD in the streambeds are activities that, given the current condition of Courtney and Little Courtney Creeks, are absolutely essential for the short-term restoration and long-term health of these waterways and their inhabitants.

The no action alternative, Alternative 3, was not chosen because the state of the forests and streams in the Courtney and Little Courtney Creek drainages necessitate prompt and effective action. Left untended, the forested land in the proposed project area would suffer incalculable dwarf mistletoe infestation damage and resultant tree mortality after which, in turn, decreased big game cover, loss of habitat for such wildlife as migratory birds, dramatically increased risk of catastrophic wildfire, and further degradation of waterways potentially resulting in the decimation of native fish populations, would ensue. Because the BLM bears responsibility for the sound management of public lands under its care, which lands it holds in trust for the current and future generations of Americans, the no action alternative was not viable.

## Decision Rationale

The proposed project will have no effect on Areas of Critical Environmental Concern, Cultural and Historic Values, Environmental Justice, Prime or Unique Farmlands, Floodplains, Tribal Concerns and Treaty Rights, Solid and Hazardous Wastes, Groundwater Quality, Wetlands and Riparian Areas, Wild & Scenic Rivers, and Wilderness Areas. Courtney and Little Courtney Creeks support three Threatened and Sensitive fish species. The effects of the proposed project on these species has been prescriptively analyzed, and mitigation measures have been adopted. This has resulted in a “may effect, not likely to effect” determination, with which the appropriate regulatory agencies informally have concurred. In the event that formal concurrence is not forthcoming, the proposed plan will be amended in accordance with NMFS and FWS directives. Noxious weeds also inhabit the proposed project area, and the spread of these weeds is a concern. However, adopted mitigation measures are expected to not only control project-related noxious weed spread, but also to leave the area better able to withstand noxious weed invasion in the future. Finally, air quality will be affected during the times of vehicle use, but any associated impacts will be minor and ephemeral.

No disproportionately high adverse human or environmental impacts on minority or low-income populations or Indian tribes are likely to result from the proposed action.

This plan meets none of the criteria for significance. The action is consistent with the Baker Resource Area Resource Management Plan (1989) Record of Decision.

## Protest Rights

Pursuant to 43 CFR 5003.3, protests regarding this decision must be made within 15 days of the publication of this Decision Record in The Observer. Such protests must be filed with the deciding officer, and must include a written statement of the rationale supporting the protest. Upon timely receipt of the protest, the deciding officer shall reconsider the decision in light the protest rationale and shall serve her written decision on the protesting party. Upon denial of a protest, the deciding officer may proceed with implementation of the decision.

s/Ted Davis

November 13, 2001

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Ted Davis  
Acting Field Manager  
Baker Resource Area, Vale District

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Date